

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC BARGER, ET AL.

No. C 10-01152 SI

Plaintiffs,

**ORDER RE: DISCOVERY**

v.

EMC MORTGAGE CORP., ET AL.

Defendants.

On April 20, 2011, plaintiffs submitted a letter brief in which they request that the Court compel production of certain documents from defendants. Defendants responded by letter brief on April 27. On May 13, plaintiffs filed a motion for class certification. The letters were confusing and somewhat contradictory as to what documents had been produced by defendants. In plaintiffs' motion for class certification, plaintiff have indicated that some of the documents at issue in this discovery dispute were turned over in May.

It is clear from the letters and motion that defendants have not turned over an exemplar or exemplars of the contracts used after April 2010. The Court hereby ORDERS defendants to do so within **seven days of the date of this order.**

The remainder of plaintiffs' requests are denied without prejudice. To the extent that this discovery dispute is not moot, the parties are ordered to do the following. The parties shall meet and confer **in person** to attempt to resolve their dispute informally. If, after a good faith effort, the parties have not resolved their dispute, they shall prepare a concise joint statement of 5 pages or less, stating the precisely which documents have been produced in response to Requests 12, 13, and 14, and which documents remain in dispute. The parties shall not file affidavits or exhibits. The joint statement shall

1 be e-filed, and courtesy copies submitted as provided by the Civil Local Rules.

2 The Court also notes that plaintiffs' reply brief in support of their motion for class certification  
3 is due July 8. *See* Doc. 37. The parties shall work in good faith to submit any joint letter by **June 1,**  
4 **2011.**

5  
6 **IT IS SO ORDERED.**

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8 Dated: May 19, 2011



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SUSAN ILLSTON  
United States District Judge